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DEATH CERTIFICATE AMENDMENTS

2024 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Raymond P. Ward

Senate Sponsor: Michael S. Kennedy

LONG TITLE

General Description:

This bill modifies provisions related to death certificates.

Highlighted Provisions:

This bill:

- ▶ allows a health care professional to indicate on a death certificate that an immediate cause of death is unknown under certain circumstances;
- ▶ modifies the deadline for a health care professional to complete the medical section of a death certificate;
- ▶ requires the Department of Health and Human Services (department) to provide instructions related to when a health care professional can indicate an immediate cause of death is unknown on a death certificate;
- ▶ allows the department to modify an immediate cause of death that is listed as unknown on a death certificate; and
- ▶ makes technical changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:



28 **26B-8-114**, as renumbered and amended by Laws of Utah 2023, Chapter 306

29

30 *Be it enacted by the Legislature of the state of Utah:*

31 Section 1. Section **26B-8-114** is amended to read:

32 **26B-8-114. Certificate of death -- Execution and registration requirements --**
33 **Information provided to lieutenant governor.**

34 (1) (a) A certificate of death for each death that occurs in this state shall be filed with
35 the local registrar of the district in which the death occurs, or as otherwise directed by the state
36 registrar, within five days after death and prior to the decedent's interment, any other disposal,
37 or removal from the registration district where the death occurred.

38 (b) A certificate of death shall be registered if the certificate of death is completed and
39 filed in accordance with this part.

40 (2) (a) If the place of death is unknown but the dead body is found in this state:

41 (i) the certificate of death shall be completed and filed in accordance with this section;

42 and

43 (ii) the place where the dead body is found shall be shown as the place of death.

44 (b) If the date of death is unknown, the date shall be determined by approximation.

45 (3) (a) When death occurs in a moving conveyance in the United States and the

46 decedent is first removed from the conveyance in this state:

47 (i) the certificate of death shall be filed with:

48 (A) the local registrar of the district where the decedent is removed; or

49 (B) a person designated by the state registrar; and

50 (ii) the place where the decedent is removed shall be considered the place of death.

51 (b) When a death occurs on a moving conveyance outside the United States and the

52 decedent is first removed from the conveyance in this state:

53 (i) the certificate of death shall be filed with:

54 (A) the local registrar of the district where the decedent is removed; or

55 (B) a person designated by the state registrar; and

56 (ii) the certificate of death shall show the actual place of death to the extent it can be
57 determined.

58 (4) (a) Subject to Subsections (4)(d) and (10), a custodial funeral service director or, if

59 a funeral service director is not retained, a dispositioner shall sign the certificate of death.

60 (b) The custodial funeral service director, an agent of the custodial funeral service
61 director, or, if a funeral service director is not retained, a dispositioner shall:

62 (i) file the certificate of death prior to any disposition of a dead body or fetus; and

63 (ii) obtain the decedent's personal data from the next of kin or the best qualified person
64 or source available, including the decedent's social security number, if known.

65 (c) The certificate of death may not include the decedent's social security number.

66 (d) A dispositioner may not sign a certificate of death, unless the signature is witnessed
67 by the state registrar or a local registrar.

68 (5) (a) [~~Except as provided in Section 26B-8-115, fetal death certificates, the medical~~
69 ~~section of the certificate of death shall be completed, signed, and returned to the funeral service~~
70 ~~director, or, if a funeral service director is not retained, a dispositioner, within 72 hours after~~
71 ~~death by the health care professional who was in charge of the decedent's care for the illness or~~
72 ~~condition which resulted in death, except when inquiry is required by Part 2, Utah Medical~~
73 ~~Examiner.] Except as provided in Section 26B-8-115 or when inquiry is required by Part 2,
74 Utah Medical Examiner, a health care professional who was in charge of the decedent's care for
75 the illness or condition which resulted in death shall complete, sign, and return the medical
76 section of the certificate of death within five business days from the day on which the death
77 occurred to:~~

78 (i) the funeral service director; or

79 (ii) if a funeral service director is not retained, a dispositioner.

80 (b) In the absence of the health care professional or with the health care professional's
81 approval, the certificate of death may be completed and signed by an associate physician, the
82 chief medical officer of the institution in which death occurred, or a physician who performed
83 an autopsy upon the decedent, if:

84 (i) the person has access to the medical history of the case;

85 (ii) the person views the decedent at or after death; and

86 (iii) the death is not due to causes required to be investigated by the medical examiner.

87 (c) When completing the immediate cause of death section of a certificate of death, a
88 health care professional may indicate that the immediate cause of death is unknown if:

89 (i) the decedent died in a setting that did not have direct medical monitoring available;

90 and

91 (ii) the health care professional determines that the health care professional cannot
92 easily ascertain the cause of death.

93 (d) The department shall create instructions for completing a certificate of death that
94 inform a health care professional that the health care professional may indicate that the
95 immediate cause of death is unknown in accordance with Subsection (5)(c).

96 (e) The department may modify a response of unknown that is listed as an immediate
97 cause of death on a certificate of death with an equivalent diagnosis code, including natural
98 causes not otherwise specified.

99 (6) When death occurs more than 365 days after the day on which the decedent was last
100 treated by a health care professional, the case shall be referred to the medical examiner for
101 investigation to determine and certify the cause, date, and place of death.

102 (7) When inquiry is required by Part 2, Utah Medical Examiner, the medical examiner
103 shall make an investigation and complete and sign the medical section of the certificate of
104 death within 72 hours after taking charge of the case.

105 (8) If the cause of death cannot be determined within 72 hours after death:

106 (a) the medical section of the certificate of death shall be completed as provided by
107 department rule;

108 (b) the attending health care professional or medical examiner shall give the funeral
109 service director, or, if a funeral service director is not retained, a dispositioner, notice of the
110 reason for the delay; and

111 (c) final disposition of the decedent may not be made until authorized by the attending
112 health care professional or medical examiner.

113 (9) (a) When a death is presumed to have occurred within this state but the dead body
114 cannot be located, a certificate of death may be prepared by the state registrar upon receipt of
115 an order of a Utah court.

116 (b) The order described in Subsection (9)(a) shall include a finding of fact stating the
117 name of the decedent, the date of death, and the place of death.

118 (c) A certificate of death prepared under Subsection (9)(a) shall:

119 (i) show the date of registration; and

120 (ii) identify the court and the date of the order.

121 (10) It is unlawful for a dispositioner to charge for or accept any remuneration for:

122 (a) signing a certificate of death; or

123 (b) performing any other duty of a dispositioner, as described in this section.

124 (11) The state registrar shall, within five business days after the day on which the state
125 registrar or local registrar registers a certificate of death for a Utah resident, inform the
126 lieutenant governor of:

127 (a) the decedent's name, last known residential address, date of birth, and date of death;
128 and

129 (b) any other information requested by the lieutenant governor to assist the county
130 clerk in identifying the decedent for the purpose of removing the decedent from the official
131 register of voters.

132 (12) The lieutenant governor shall, within one business day after the day on which the
133 lieutenant governor receives the information described in Subsection (11), provide the
134 information to the county clerks.

135 Section 2. **Effective date.**

136 This bill takes effect on May 1, 2024.